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                IN THE UNITED STATES DISTRICT COURT
                FOR THE NORTHERN DISTRICT OF IOWA
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    UNITED STATES OF AMERICA,
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                  Plaintiff,
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                                     20-CR-6
        VS.
    ROMEL MURPHY,
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                  Defendant.
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                            APPEARANCES:
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    ATTORNEY KYNDRA LUNDQUIST, U.S. Attorney's Office,
    111 Seventh Avenue S.E., Box 1, Cedar Rapids, Iowa 52401,
    appeared on behalf of the United States.
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    ATTORNEY JEFFREY B. STEINBACK, 8351 Snaresbrook Road,
    Roscoe, Illinois 61073, appeared on behalf of the
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    Defendant.
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                      HEARING TO SHOW CAUSE,
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               HELD BEFORE THE HON. C.J. WILLIAMS,
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    on the 20th day of October, 2021, at 111 Seventh Avenue
    S.E., Cedar Rapids, Iowa, commencing at 2:55 p.m., and
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    reported by Patrice A. Murray, Certified Shorthand
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    Reporter, using machine shorthand.
2.1
    Transcript Ordered: 12/29/21
    Transcript Completed: 12/31/21
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                 Patrice A. Murray, CSR, RMR, FCRR
                          Court Reporter
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                            PO Box 10541
                     Cedar Rapids, Iowa 52410
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                    PAMurrayReporting@gmail.com
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1 (The following proceedings were held in open court, 2 following the sentencing hearing of Romel Murphy.) 3 THE COURT: All right. I want to proceed now 4 5 to the show cause hearing. Mr. Murphy, you're free to leave. 6 This doesn't 7 involve you at all. Ms. Lundquist, I'd appreciate if you would stay. 8 9 MS. LUNDQUIST: Yes, Your Honor. 10 (The defendant departed the courtroom.) 11 THE COURT: All right. On October 14, 2021, at 12 document number 59, the Court entered an order to show 13 cause for why defense counsel, Jeffrey Steinback, should 14 not be held in contempt. The concern the Court had there 15 was at least twofold. First, on September 24th the defendant -- defense counsel filed a motion to continue 16 17 the sentencing hearing alleging that he was suffering 18 from back spasms that required him to visit an emergency 19 That document was filed at document number 53 in room. 2.0 the court's file. 2.1 At paragraph 3, he said that: "Mr. Steinback was 22 taken to the emergency room and he was treated there. Не 23 was advised not to travel or participate in any strenuous 24 physical activity for the next four to seven days and was 25 given medication for his spasms." This was filed on

September 24th. The sentencing hearing was scheduled for that same day. The Court granted that motion. It was an unopposed motion. At the time I granted that motion, I had reservations; but having no prior contact with Mr. Steinback, I gave him the benefit of the doubt.

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Then this hearing was set again for a sentencing hearing; this was on October 6th of 2021. On October 5, 2021, his staff contacted my staff by e-mail and indicated that he believed that he had -- let me get to this.

The e-mail reads, "The test for the person Jeff met with" -- so apparently there was a phone call first with my assistant, Sali Van Weelden, by the defendant's assistant, Patti, who reported that the defendant -- or, I'm sorry, Mr. Steinback may have had contact with a client who may have COVID. The e-mail follow-up on that was "The test for the person Jeff met with seems to be Final results will be available sometime positive. tomorrow after speaking with his doctor. Jeff felt it prudent to file the motion for a continuance." previously that day, after the telephone contact, had my assistant e-mail back to Patti Steinback, indicating that I was made aware of this possibility that the defendant -- or that Mr. Steinback might have met with a client who might have COVID, and I indicated that the

sentencing will proceed tomorrow as scheduled at 9:00 a.m.

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Mr. Steinback did not show up the following morning at 9:00 a.m. He filed a motion at 5:01 p.m. the night before the sentencing hearing, advising the same thing. In this motion, Mr. Steinback reports, "Defendant's attorney, the undersigned, has been advised that he has had direct exposure to a person with COVID-19 within the last 24 hours." Attached to this is a letter from his doctor. The letter from his doctor says, "Jeffrey Steinback had a possible exposure to COVID on 10-4-21," and recommended that he be tested in five days and remain in quarantine during that time period. I denied that motion.

The following morning when I arrived in court and Mr. Steinback did not appear as ordered by the Court and as scheduled by the Court, he did not have the Court's authority or permission to not appear. He did not have the authority to tell his client not to appear at a sentencing hearing. At that hearing, I appeared, the government appeared, one of the victims appeared, the defendant did not appear, and Mr. Steinback did not appear. At that hearing, I was more prepared by looking back through the case history here. And what I came across was what I found to be a pattern of repeated

1 continuances and extensions of time, almost always 2 because of something dealing with Mr. Steinback's The first motion to extend deadlines 3 personal schedule. for plea entry and trial was filed on March 9, 2020, at 4 document number 16, and the defendant -- I'm sorry, 5 Mr. Steinback cited a serious family health concern that 6 7 he needed to be out of town for. The government did not 8 resist, and the Court granted that motion. 9 The -- Mr. Steinback then filed another motion in 10 May, May 7, 2020, document number 19. This time it was 11

because COVID-19 restrictions interfered with him and their ability to consult and prepare for trial. motion was unopposed, and so the Court granted it again.

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On July 10, 2020, at document number 21, Mr. Steinback filed another motion for an extension of time, saying that COVID-19 restrictions were still in force in Illinois and interfered with their ability to The government did not resist, and so the Court consult. again granted the motion.

Then there is another motion on September 15, 2020, at document number 24, again citing the COVID-19, and then also Mr. Steinback indicates that he received a call from his brother, who has cancer, and needed to be present dealing with his brother's cancer as well. The government did not resist, and so the Court granted that

continuance.

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Then there is yet another motion to continue at -filed on December 11, 2020, at document number 26, again
citing the COVID restrictions. This time Mr. Steinback
also wanted to cite he had a new grandson in his -- was
born to his family and he wanted to be present for that.
As -- in this order, the Court -- or, I'm sorry, in this
motion, Mr. Steinback noted that in the Court's last
order the Court indicated it was going to be the final
continuance, that the -- that the -- Mr. Steinback said
that was going to be the last request he made.
Obviously, it wasn't. And so because it was not
resisted, the Court again granted that extension.

There was a scheduling conference that occurred on December 28 of 2020, at document number 33. When the hearing was ultimately held, shortly thereafter -- I believe it was on January 4th when the defendant entered his guilty plea. And then we come up with -- to the sentencing. So while this case was pending sentencing, the defendant failed to file objections to the presentence investigation report in a timely manner, and the Court had set that deadline at document number 45. The defendant failed to comply with that, and the Court had to enter an order, ordering him to comply with the Court's deadline for filing objections to the presentence

investigation report.

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In my order setting this for a show cause hearing, the Court ordered the defendant to produce some I am not satisfied with the documents documents. provided to the Court. The first was a correspondence with the defendant about defense counsel's attempt to continue the hearing set for October 6th. What I received was not an original document. It was not reflective of an original communication. It was not a It is a typed-out version of copy of an e-mail. communication dated October 5th, the source of which I have no idea where it came from, and also October 6th. Ι don't know if this is a phone call. I don't know if this is an e-mail. The source of it is not provided to me.

I asked for billing records. The billing records I received are not the actual billing records, meaning they're not the bills that are sent out. They're not the accounting records showing the billable hours at the billable rate billed to the clients. What I was provided with instead were handwritten notes from a calendar entry book that purports to show what Mr. Steinback's schedule was during various days at issue here.

I requested that Mr. Steinback provide all medical records pertaining to his back spasms that required a continuance on September 24, 2021. What I received I

1 received today. It is a note that is dated 10-19 of '21 2 from a Dr. Hanson. And it says, "Patient reports missing a work appointment on 9-24-21 due to back spasms." 3 No medical records provided actually show a 4 That's it. 5 visit to the emergency room. No records show payment of bills reportedly occurring in relation to a visit to the 6 7 Nothing shows doctor's instructions that emergency room. The only billing [sic] records 8 he could not travel. supplied in connection with the September 24th 9 10 continuance is a medical record dated 11-20 of '20, which 11 indicates that there was some type of back problem and 12 that the defendant is reporting back spasms. This is 13 November of '20, not September 24th of 2021. And then 14 a -- a note from July 30th of 2021, in which, at the very 15 end of it, there was mention of continued pain 16 management, references rheumatology and orthopedic for 17 opinion regarding left hip. Nothing about back spasms. Mr. Steinback, what that tells me regarding the 18 19 September 24th is that -- I'm highly skeptical that you 2.0 went to the emergency room and had any instructions from 2.1 any doctor not to appear -- or not to travel. I find it 22 absolutely unbelievable that you could not produce 23 documents to demonstrate those medical treatments that 24 you allege and that you told me in a court filing 25 happened on those dates. I don't have any idea how you

could not produce those documents when I gave you plenty of time to do so, if, in fact, they occurred. So I'm very troubled by that, and it makes me highly suspicious that you misrepresented a fact to this Court.

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Regarding the October 6th, I was provided with some documentation that shows that Kimberly Steinback -- who may be Patti Steinback; I don't know -- tested positive for COVID and that the -- Mr. Steinback did not test positive for COVID, and this is on a test result that appears to be 10-10 of '21. And so to the extent that Mr. Steinback might have had contact with somebody who might have had COVID, the fact remains he was not positive. There was no justification for him not to appear in court as ordered and as scheduled, other than his hyper concern about the possibility that he might have had an exposure to COVID.

Again, I hold none of this against Mr. Murphy.

Mr. Murphy actually showed up on September 24, 2021, even though his lawyer didn't, and he paid his special assessment on that date.

So, Mr. Steinback, I'll just tell you, I am very troubled by what appears to be to me -- what appears to me to be a pattern of dilatory conduct by you and what appears to me to be perhaps a misrepresentation to the Court regarding your inability to appear for the

September 24th sentencing hearing. What I'm inclined to do at this point is to continue this hearing and give you 14 more days to produce to the Court documentation that demonstrates that you actually went into an emergency room and were treated on September 24th for back spasms and that some doctor actually gave you instructions not to travel in relation to that date.

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I also want to see actual billing records, ledgers, the bills that you actually sent out to your clients during the dates that I have ordered you to do so for -- in document number 59. Giving me calendar entry -- copies of a calendar page is not giving me billing records. I think you understand the difference between billings records and a calendar page, and so I expect to see billing records in whatever form you generate that.

And then I also want to see the actual source documents for the communication that you had with your client regarding the October 6th hearing and not somebody's post facto typing up of the communication.

That's my inclination, but I'm happy to hear from you now on what your thoughts are and what, if anything, you'd like to say.

MR. Steinback: Your Honor has raised skepticisms, which essentially attack the very core of who I am and what I've been as a professional for

47 years. You are the judge, and your determinations are absolute. I find your finding that you're skeptical, given my medical history, to be difficult. I find your ignoring the fact that my daughter had COVID on the same night that I was with her, when I later met a client whose doctor called me to tell me they had COVID, and -- and treat that as if that's proof of nothing is -- is even more concerning.

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And the fact that you doubt that I didn't bill anybody, not a single soul, between October 6th and October 11th, not one client -- my clients don't want to pay my hourly rate, I have two clients who pay on the hour, because my hourly rate is high. After 47 years, I put a premium on it. Everyone else I offer the option of a flat fee, and everyone else takes it. I didn't bill anything because I didn't do any work between the 6th and the 11th, because, despite what you may think is a minor back spasm, it is a crippling, debilitating, inability to move, stand, sit, walk, I crawled to the washroom, when those things happen. I have cracked my back. cracked my neck. I have had five surgeries in order to try to repair them, and nothing has worked. And I can't stop these spasms. I quit driving because I had one. head slammed into the driving wheel, and I couldn't pull And it was dumb luck that I was able to pull it out.

over to the side of the road. And that was three years ago and the last time I ever drove a car, because I didn't want to be responsible for hurting anyone ever again because something like that could happen.

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Now, unfortunately, I have destroyed a good part of My back, my hips, my Achilles, my shoulders. my body: If you want to examine them, you can see. They are riddled with scars, dislocations, separations. my right hip, like my left, has collapsed. And there's nothing between it, except a few bone fragments, and that's in there. And what happens if I walk around too long or stand up for too long is I begin to shake. And if I don't stop that, the muscles seize up to try to compensate for lack of a backbone, and they seize up so hard that they won't let go for days. I didn't do any work between those days because I couldn't. And you have no idea the frustration, because not only did I not want to incur the ire of Your Honor after having had that situation occur on the 24th, or whatever that date was, but I had planned to go directly from here to see my And because of COVID, I couldn't go near him. brother. He has no immune system. He won't make it through Thanksgiving.

And so these things which you say attack me in a way that I am visceral about. I have stood by my reputation,

and the only thing that a lawyer has is his word. That's it. That's my stock in trade.

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I continue to practice, so Your Honor knows, because I have a whole number of people who are depending on me. I don't need it for myself. My wife doesn't need it. But not that it's anybody's business, I have a sick child who can't work. I have a child who has a 15-year-old daughter who can't make ends meet because her husband stole \$3 million of my money and ran off, and I have to continue to take care of them. I have a son who went through a divorce and got devastated, and he's 40. I could say I don't have to take care of them, not my responsibility, but he has two babies. I have a brother who is dying, and his son is getting married in November, and now I'm putting the wedding on, because I will not have that child go without. And God willing, his brother -- his father, my brother, will make it, but I I am the oldest remaining Steinback. doubt it. Everyone else is gone, and I, therefore, become the father figure, despite that they are my brothers. And I take care of all of them, and I will do so until I can't lift my hand anymore or my head doesn't work, because that's -- that's how I'm committed.

I am sorry I have offended this Court. I am sorry more than I could ever describe to Your Honor. I am

sorry my daughter got COVID. I never knew except from Dr. Adam Hutton, who I don't know, meeting a man for the first time, who called me later that afternoon after I met him, to say, "I'm sorry, you had contact last night with my patient who has COVID." Now, I -- I don't have a relationship; I didn't take that case because I had all sorts of things going on. I have no -- I have no way to demand his records.

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THE COURT: I have not asked you to.

MR. Steinback: But as far as my billing, I can't produce that which I don't have. I didn't work on anybody's cases beyond one videoconference, and that was pro bono. It was a conference I could do from my bed with people who were in New York, representing someone who is a brother of somebody that my daughter lives next to in the apartment complex she lives in. And it was an interview and I took care of it because I could do it on my back, but I didn't bill for it. I can't generate bills for Your Honor because I don't have them and I didn't bill anybody for them. I didn't take any money in during that time period either.

I can get more specific information with respect to my spasms, because I've had them for 10 years, because I've seen --

THE COURT: Mr. Steinback, I don't want a whole

1 bunch of records of your spasms. What I want, and what 2 you have represented to this Court in a pleading that you 3 filed with this Court, is that you went to the emergency room on September 24th and got instructions from your 4 5 doctor that you weren't to travel. That's what I want. It may be the case that that happened, and if so, you can 6 7 produce those records to me, and I'll be satisfied that 8 you did not make a representation [sic] to the Court. 9 But what you've produced to me falls so woefully short of 10 that, that it makes me suspicious that it did not happen. 11 MR. Steinback: It was an urgent care facility 12 rather than an ER. We went to the ER. It was backed up 13 to the point where anybody who wasn't bleeding out of an 14 artery wasn't going to be seen for about five hours, so 15 we went to the urgent care center that was open, and I 16 will be able to get whatever it is that is necessary. 17 The problem is, they are backed up for all sorts of 18 reasons, and nobody there owes me anything. I owe you, 19 but they don't owe me. I -- I pleaded with them. 2.0 wife went over there and begged them and ultimately 2.1 reached out to Dr. Hanson because his office is in the 22 same complex as that urgent care center to see if he 23 could get those records. 24 THE COURT: Well, let's do this, I will give 25 you 30 days to produce those records to me then, and

hopefully that will satisfy me that you actually went to some type of urgent care, emergency care, whatever it was, on September 24th and received treatment for back spasms and you were instructed not to travel.

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at your word that you have no billing records, I will take you at your word that you have no billing records for that time period. I would still like to see the original correspondence you had with your client regarding the October 6, 2021. The typed-up version doesn't cut it for me. I want to see the original documents, whether it's by e-mail or whatever. If it's by a voicemail or a phone call, then let me know that, but otherwise I want to see the correspondence that Patti had with your client.

MR. Steinback: I will provide those. There were phone calls, and I think those are texts between Romel and I or Patti and Romel. And I don't know how to reproduce an original text, but I can --

THE COURT: Texts are hard. What law enforcement officers do oftentimes, frankly, is they take a photograph of a text, so they use one phone to take a photograph of another phone, basically. And if that's what they are, then if you want to do that, that will work.

MR. Steinback: I appreciate that. And I -- I do want to say that I recognize -- and I say it for the

record and because I believe it to be true -- that Your Honor's handling of Mr. Murphy's matter did not in any way take into account whatever issues the Court and I have, and I respect very much everything that you did and how you did it. And I am grateful for the full and complete and fair opportunity to be heard.

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Mr. Steinback, you and I may not THE COURT: have any problems either if in the end I'm satisfied that this actually took place. I have an obligation as a judge to ensure the integrity of our court system. And when I saw a pattern of dilatory conduct by counsel here, it concerns me that there are misrepresentations I'm not finding that there are any. I'm just involved. telling you I'm concerned about it. My instinct tells me there's something to look at here, and so I'm looking at I may be totally satisfied that there were no misrepresentations, in which case, this matter will be closed without any ramifications whatsoever.

I would just note as well, today you were late into court. I find no excuse for lawyers being late. I used to tell people working under me that if you are five minutes early to court, that means that you are ten minutes late. And I recognize you are coming to a city that maybe you haven't been to before, and so I'll overlook your delay in getting into the courtroom today,

but I -- I have a lot of trouble with lawyers who are
late to the court. Other people were waiting. Everybody
was waiting, including your client, and so I find that to
be very poor professional conduct.

MR. Steinback: I agree with Your Honor completely there. We drove past the cutoff because -the exit, because it was apparently shut off, went
29 miles down to the next one, turned back around so that we could get on, and that extra 30 miles is what we miscalculated.

THE COURT: All right.

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MR. Steinback: But in any event, I don't -mea culpa. I was late for whatever reasons. And any
delays there, I own completely. I -- I -- I apologize
for that.

16 THE COURT: All right. That's not a major
17 matter.

All right. What I'm going to do then,

Mr. Steinback, is I'm just going to continue any further

proceedings of this matter. I'm going to wait for

30 days for you to produce those additional medical

records and the original documentation regarding the

communications with your client. I will take a look at

them at that point, once you produce those to me. And

then if I find any further proceedings are necessary, I

1 will schedule them. If I find no further proceedings are 2 necessary because the documentation has satisfied me, I 3 will so indicate on the record without you having to be present, but I will make a notation on the record so that 4 5 anybody looking at this down the road will understand my finding that you did not act in an inappropriate way, and 6 7 I will also send you a letter reflecting that. 8 MR. Steinback: I'm very grateful. 9 If I might digress for a moment --10 THE COURT: Certainly. 11 MR. Steinback: -- with just a little bit of 12 When I saw the two gentlemen sitting on either levity. 13 side here, I wasn't sure if they were for Romel or for 14 And I was very pleased to see that you let them 15 leave. 16 That said, have a good rest of the day, Your Honor. 17 THE COURT: All right. You too, Mr. Steinback. That will conclude this hearing. 18 19 (Proceedings concluded at 3:25 p.m.) 20 2.1 22 23 24 25

#### CERTIFICATE

I, Patrice A. Murray, a Certified Shorthand Reporter of the State of Iowa, do hereby certify that at the time and place heretofore indicated, a hearing was held before the Honorable C.J. Williams; that I reported in shorthand and transcribed to the best of my ability the proceedings of said hearing; and that the foregoing transcript is a true record of all proceedings had on the taking of said hearing at the above time and place.

I further certify that I am not related to or employed by any of the parties to this action, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

IN WITNESS WHEREOF, I have set my hand this 31st day of December, 2021.

/s/ Patrice A. Murray
Patrice A. Murray, CSR, RMR, FCRR
Court Reporter
PO Box 10541
Cedar Rapids, Iowa 52410

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